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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,228	12/05/2003	David Hawley	16105-002US3 / 2002P00003	9220
32864	7590	02/08/2007	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
			2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,228	HAWLEY ET AL.	
	Examiner	Art Unit	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 05 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/05/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on December 05, 2003.
2. Claims 1-14 pending.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies have been received on May 18, 2001 with PCT/EP01/04095 filed in April 10, 2001.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449 filed on December 15, 2003 and December 08, 2003 is attached to the instant Office action.

Oath/Declaration

5. The Office acknowledges receipt of a properly signed oath/declaration filed December 08, 2003.

Specification

6. The disclosure is objected to because of the following informalities:
Appropriate correction is required.
7. The use of the trademark/service mark "Windows" has been noted in this application (i.e., page 2). It should be appropriate or proper term (i.e., Windows®) for details please visit <http://www.microsoft.com/library/toolbar/3.0/trademarks/en-us.mspx> (see

Art Unit: 2191

MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

8. The drawings were received on August 21, 2003. These drawings are acceptable by the examiner.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11-14 recites the limitation "a meta-language", "layout themes", realizing the user interface", and "layout themes", respectively, in page 73 lines 2, 9, 16, 26. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 8-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

12. Claim 9 is non-statutory because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea which would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites a method for creating an application system..., representing functional descriptive material without producing a concrete, useful, and tangible result. Thus, amounts to only abstract idea and are nonstatutory. Claims 10-14 are directly or indirectly dependent on claim 9 and further support creating an application system..., representing functional descriptive material without producing a concrete, useful, and tangible result thus amounts to only abstract idea and are nonstatutory.
13. Claim 8 is non-statutory because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea which would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites a computer program product renders a first object and second object in an assembly on screen of a computer device..., representing functional descriptive material without a computer readable storage medium or a memory, computer program product (or program code) per se are not tangibly embodied. Thus, amounts to only abstract idea and are nonstatutory.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2 and 4-6 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 2, 3, 6, and 7 of copending Application No. 10/464,428 (hereinafter ‘428). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observation.

<i>Instant Claim</i>	<i>‘428 Claim</i>
1. A method for rendering an assembly of a first object and a second object on a user-interface of a device, the device being either of a first type or of a second type, the first and second objects presenting data of an application, the method comprising the	1. A method for rendering an assembly of a first object and a second object on a user-interface of a device, the device being either of a first type or of a second type, the first and second objects presenting data of an application, the method comprising: providing

following steps: receiving an application specification document by the device, the application specification document having a statement with an indication to render the first and second objects in the assembly; interpreting the statement of the application specification document to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device; and rendering the assembly of the first and second objects on the user-interface according to the presentation pattern identified in the interpreting step.	application, the method comprising: providing an interpreter specific for an application specification language used to write the application; storing the interpreter in the device; receiving an application specification document by the device, the application specification document having a statement with an indication to render the first and second objects in the assembly; interpreting the statement of the application specification document using the interpreter to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device; and rendering the assembly of the first and second objects on the user-interface according to the presentation pattern identified during the interpreting of the statement.
2. The method of claim 1, prior to the receiving	2. The method of claim 1, further comprising:

step, further comprising: specifying the application in the application specification document by a workbench in a development computer; and simulating the rendering step by a pre-viewer component of the workbench.	
3. The method of claim 1, wherein in the rendering step, the first object and the second objects are rendered according to the presentation pattern and to a predefined hierarchy pattern.	4. The method of claim 1, wherein in the rendering step, the first object and the second objects are rendered according to the presentation pattern and to a predefined hierarchy pattern.
6. The method of claim 1, wherein the presentation pattern is as a display pattern, wherein the objects are rendered to the user-interface being a screen, and wherein the presentation pattern is identified according to the size (X) of the screen.	5. The method of claim 1, wherein the presentation pattern is as a display pattern, wherein the objects are rendered to the user-interface being a screen, and wherein the presentation pattern is identified according to the size of the screen.
7. The method of claim 1, wherein in the rendering step, the presentation pattern is an audio pattern.	6. The method of claim 1, wherein in the rendering step, the presentation pattern is an audio pattern.
8. A computer-program product to visually render a first object and a second object in an assembly on screen of a computing device, the	8. A computer-program product to visually render a first object and a second object in an assembly on screen of a computing device, the

<p>objects presenting data of an application on a computer that is at least temporarily coupled to the computing device, the device being either of a first type or of a second type, the computer-program product having instructions that cause a processor of a computing device to perform the following steps: receiving an application specification document from the computer, the application specification document having a statement with an indication to render the first and second objects in the assembly; interpreting the statement of the application specification document to identify a visual presentation pattern for the assembly from predefined first and second visual presentation patterns according to the type of the device; and rendering the assembly of the first and second objects on the screen according to the visual presentation pattern identified in the interpreting step.</p>	<p>assembly on screen of a computing device, the objects presenting data of an application on a computer that is at least temporarily coupled to the computing device, the device being either of a first type or of a second type, the computer-program product having instructions that cause a processor of a computing device to: provide an interpreter specific for an application specification language used to write the application; store the interpreter in the computing device; receive an application specification document from the computer, the application specification document having a statement with an indication to render the first and second objects in the assembly; interpret the statement of the application specification document using the interpreter to identify a visual presentation pattern for the assembly from predefined first and second visual presentation patterns according to the type of the device; and render the assembly of the first and second objects on the screen according to</p>
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	the visual presentation pattern identified in the interpreting step.
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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by the published document "UIML: An XML Language for Building Device-Independent User Interfaces" by Marc Abrams and Contanrinos Phanouriou (hereinafter, UIML) in December 1999.

Per claim 1:

UIML discloses:

providing an interpreter specific for an application specification language used to write the application (page 11, Figure 3 and related discussion, ...dynamic interface generate on-the-fly); storing the interpreter in the device (page 11, Figure 3 and related discussion, ...database); receiving an application specification document by the device, the application specification document having a statement with an indication to render the first and second objects in the assembly (page 3, section Deploying UIML "...UIML document...compiled to a target

Art Unit: 2191

platform's language...is mandatory for devices...cellular..." and page 5 section UIML as a meta-language "...UIML document...specifies a mapping of those names to a vocabulary specific to a particular target platform..." Also, see Figure 3); interpreting the statement of the application specification document using the interpreter to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device (page 5 section UIML as a meta-language "...UIML document...specifies a mapping of those names to a vocabulary specific to a particular target platform..." Also, see Figure 3); and rendering the assembly of the first and second objects on the user-interface according to the presentation pattern identified during the interpreting of the statement (page 3, section Deploying UIML "...Java interpretive renderer permits the entire UIML interface to appear as a Java bean...end-user devices..." Also, see Figure 3).

Per claim 2:

The rejection of claim 1 is incorporated and further, UIML discloses: simulating the rendering step by a pre-viewer component of the workbench (See Figure 1 and 3 and related discussion).

Per claim 3:

The rejection of claim 1 is incorporated and further, UIML discloses: storing the predefined presentation patterns by the interpreter (page 11, Figure 3 and related discussion, ...database).

Per claim 4:

The rejection of claim 1 is incorporated and further, UIML discloses:
wherein in the rendering step, the first object and the second objects are rendered according to
the presentation pattern and to a predefined hierarchy pattern (See Figure 2a-2c and related
discussion).

Per claim 5:

The rejection of claim 1 is incorporated and further, UIML discloses:
wherein the presentation pattern is as a display pattern, wherein the objects are rendered to the
user-interface being a screen, and wherein the presentation pattern is identified according to the
size of the screen (See Figure 1 and 3 and related discussion).

Per claim 6:

The rejection of claim 1 is incorporated and further, UIML discloses:
wherein in the rendering step, the presentation pattern is an audio pattern (page 2, section
VoiceXML "...VoiceXML is a markup language for specifying interactive voice response
applications...conversions...").

Claim 8 is the computer product claims corresponding to method claim 1, and rejected under the
same rational set forth in connection with the rejection of claim 1, above.

Art Unit: 2191

Per claim 9:

UIML discloses:

defining a user-interface model (page 4, section UIML-Main Elements "...user interface...set of interface parts comprising the interface...");

defining an application specification document by a meta-language (page 5, section UIML as a meta-language "...UIML can be viewed as a meta- or extensible language...");

customizing a workbench component that identifies constraints on the validity of the application specification document (See Figure 1 and 3 and related discussion);

defining layout themes for the computing device (page 5, section UIML-Main Elements "...a style element, which specifies presentation style that is device-specific for each class of interface parts...");

realizing the user-interface model in an interpreter component (page 4, section UIML-Main Elements "...user interface...set of interface parts comprising the interface..."); and

realizing the layout-themes in the interpreter component (page 5, section UIML-Main Elements "...a style element, which specifies presentation style that is device-specific for each class of interface parts...").

Per claim 10:

The rejection of claim 9 is incorporated and further, UIML discloses:

determining the types of tiles and the functionality of tiles, the tiles being elements of the user-interface model (page 5, section UIML-Main Elements "...style elements...mapping of interface parts to a vocabulary of names of user interface widgets in the platform to which the user

Art Unit: 2191

interface will be mapped "); determining relationships between the tiles in an assembly; and determining a navigation state and the required user operations on the navigation state (page 5, section UIML-Main Elements "UIML includes a peers element, which specifies what widgets in the target platform and what methods or functions in scripts, programs, or objects in the application logic are associated with the user interface").

Per claim 11:

The rejection of claim 10 is incorporated and further, UIML discloses: defining specifications to the types of tiles (page 11, Figure 3 and related discussion, ...dynamic interface generate on-the-fly); defining attributes to express properties of the tiles; and defining attributes in the navigation state UIML uses three levels of names for interface parts and events. (page 6, section UIML as a meta-language "second name is in the style element and maps the mnemonic to an abstract widget name (e.g., MenuItem)... mapping from one abstract set of names (e.g., "BigWindow") to multiple platforms (e.g., MFC or Java Swing) without modifying the rest of the interface description...").

Per claim 12:

The rejection of claim 11 is incorporated and further, UIML discloses: defining a representation on the output media of device for each element of the user-interface model; and defining the user-interface model for each operation of the user-interface model (page 5, section UIML-Main Elements "...style elements...mapping of interface parts to a

vocabulary of names of user interface widgets in the platform to which the user interface will be mapped ”).

Per claim 13:

The rejection of claim 12 is incorporated and further, UIML discloses:

creating models to specify the tiles and the assembly; implementing constructors to create user-interface instances from the application specification document; and implementing the user-interface instances from the models in a computer programming language (page 3, section Deploying UIML “...UIML document...compiled to a target platform’s language...is mandatory for devices...cellular...” and page 5 section UIML as a meta-language “...UIML document...specifies a mapping of those names to a vocabulary specific to a particular target platform...” Also, see Figure 3).

Per claim 14:

The rejection of claim 13 is incorporated and further, UIML discloses:

implementing each layout-theme as a layout handler; and obtaining a selection of the layout-theme by a developer and forwarding the selection to the interpreter component (page 7, section UIML Architecture “The structure element enumerates a set of interface parts and their organization for various platforms and devices. The style element defines the values of various properties associated with interface parts. The content element associates words, sounds, and images with interface parts to facilitate internationalization or customization for different user

Art Unit: 2191

groups. Finally, the behavior element enumerates a set of rules that describe how the user interface should react on different stimulus (i.e., from user, device, or the application logic").

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is (571) 272-3732. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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